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FAMILY COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY PART 6

-----X

IN THE MATTER OF:

ACS-NY,

Petitioner,

Docket No.:  
NN-45041-14

Vs.

JASMINE BRIDGEMORTH and DELANO BROADUS,

Respondents.

-----X

May 13, 2015

HELD AT:

FAMILY COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY  
CITY OF NEW YORK  
60 Lafayette Street  
New York, NY 10013

BEFORE:

HONORABLE EMILY M. OLSHANSKY,  
Judge

APPEARANCES:

ELIZABETH VERILLO, ESQ.  
Attorney for the Petitioner

JESSICA WEIDMANN, ESQ.  
Attorney for the Respondent Father

TEGHAN DELANE, ESQ.  
MS. ASHLEY, ESQ.  
DANIEL DIETZ, ESQ.  
Attorneys for the Respondent Mother

MELISSA FRIEDMAN, ESQ.  
RENEE MITTLER, ESQ.  
Attorneys for the Children

TRANSCRIBER:

LOUISA RETTLER



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**PROCEEDINGS**

12

1 THE COURT: Okay. Yes?

2 MS. VERILLO: Your Honor, and at this time  
3 I would call Officer Rafael Sanchez.

4 THE COURT: Very well.

5 THE CLERK: Officer, you're reminded you're  
6 still under oath. Please restate your name for the  
7 record.

8 OFC. SANCHEZ: Officer Rafael Sanchez.

9 THE COURT: Good afternoon, Officer.

10 OFC. SANCHEZ: Good afternoon, Your Honor.

11 THE COURT: You may inquire, Ms. Verillo.

12 R A F A E L S A N C H E Z, having been  
13 first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. ELIZABETH VERILLO

16 Q: Officer Sanchez, by whom are you employed?

17 A: The New York City Police Department.

18 Q: Okay. And what precinct do you work at?

19 A: Police Service Area 6.

20 Q: Okay. And how long have you been employed with  
21 the NYPD?

22 A: Approximately nine years.

23 Q: And how long have you been with PSA6?

24 A: Since 2007.

25 Q: And prior to that where were you working at?

~~EXAMINATION~~ DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

13

1 A: Police Service Area 5.

2 Q: And can you just explain what PSA6--what areas  
3 that you serve?

4 A: The New York City Housing Authority Buildings  
5 within the confines of PSA6 in three different precincts.

6 Q: And specifically do you serve the Housing and  
7 Development?

8 A: Yes.

9 Q: And what shift do you typically work at?

10 A: 11:15 in the evening by 0750 in the morning.

11 Q: And turning your attention to the October 9th,  
12 2014 were you working on that date?

13 A: Yes.

14 Q: And was anyone else working with you on that  
15 date?

16 A: Yes.

17 Q: And who was working with you?

18 A: Officer Kahn.

19 Q: And on that date did you respond to a call to  
20 1430 Amsterdam Avenue, Apartment 3C?

21 A: Yes.

22 Q: And approximately what time did you respond to a  
23 call to that address?

24 A: Around 2:50 in the morning.

25 Q: Okay. And what type of call was it that you

DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 were responding to?

2 MS. WEIDMANN: Objection.

3 THE COURT: Overruled.

4 A: An assault in progress.

5 Q: And do you recall approximately how long it took  
6 for you to get to that address?

7 A: About 10 minutes.

8 Q: So you got to the apartment at about 3:10 a.m.  
9 Can you describe what you saw when you first arrived?

10 A: When I arrived at the location, the 3rd floor of  
11 the said building, Officer Roark and Lieutenant Gunther  
12 was--they were with the caller Nicola Simms.

13 MS. WEIDMANN: Objection.

14 THE COURT: Overruled.

15 A: And the caller they called via 911 call, she was  
16 crying frantic and anxious.

17 Q: Okay. So can you first, did you have an  
18 opportunity to observe the woman who was identified as Ms.  
19 Simms, did you have an opportunity to see her physical  
20 appearance?

21 A: Yes.

22 Q: And what did you observe?

23 A: She was crying. She had swelling to the left  
24 side of her face.

25 THE COURT: I'm sorry, Officer. You said

~~EXAMINATION~~ DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 she had what on the left side of her face?

2 A: Swelling to the left side of her face.

3 THE COURT: Thank you.

4 MS. WEIDMANN: Objection, Your Honor, I'm  
5 objecting to this line of questioning as there is no  
6 connection made to the parties involved in this case.  
7 And I don't believe that there can be a non-hearsay  
8 basis connection drawn.

9 THE COURT: I guess overruled subject to  
10 connection. I'm assuming it must have something to  
11 do with the parties and if there can't be then I'll  
12 grant it. You can continue, Officer.

13 A: So she had swelling to the left side of her  
14 face, swelling to the left side of the lip and a small  
15 laceration to the inside of her lip as well as redness to  
16 the left eye.

17 Q: And you previously touched on this, but you also  
18 had an opportunity to observe her demeanor, is that  
19 correct?

20 A: Yes.

21 Q: And can you explain for the court what it is  
22 that you observed?

23 A: She was crying and yelling, it was very  
24 difficult to calm her down.

25 Q: And at that time did she make any statements?

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1 A: Yes.

2 Q: And what were those statements?

3 MS. WEIDMANN: Objection.

4 THE COURT: What's the objection?

5 MS. WEIDMANN: Hearsay.

6 MS. VERILLO: Your Honor, I would make the  
7 argument that this out of court statement is properly  
8 admissible under the excited utterance exception.  
9 The Officer has established that he had observed the  
10 person who has made the out of court statement to be  
11 upset, frantic, to have an injury and there would be  
12 a presumption underlying that this person lacked  
13 reflective capacity to determine that those  
14 statements would be untruthful.

15 THE COURT: So, Officer, this was how long  
16 after you received the initial call when you made  
17 these observations?

18 A: The initial call when I responded was around  
19 2:50 in the morning and so this was approximately 10 to 15  
20 minutes afterward when I was at the scene.

21 THE COURT: I think overruled. I mean I  
22 think additional questions will clarify whether it  
23 was an excited utterance or it wasn't. So I guess  
24 subject to---I would deny the objection subject to  
25 renewal as the facts are developed.

~~EXAMINATION OF~~ DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 Q: Officer Sanchez, so can you state what the  
2 person had said to you on that date?

3 A: Yes. She said that she was held inside the  
4 apartment against her will tied to a radiator by  
5 handcuffs. Forced to dress in provocative clothing and  
6 she was getting pictures taken of her. And that she was  
7 told that if she doesn't make any hits that they were  
8 going to send her to Huts Point.

9 THE COURT: I'm sorry, Officer. She was  
10 told if she doesn't make any hits then--

11 A: Yes, on Craigslist.

12 THE COURT: Okay. And what was the second  
13 half of the sentence, then what would happen?

14 A: Then she would be--if she doesn't make any hits  
15 then she would be sent to Huts Point.

16 MS. WEIDMANN: I am objecting to that as a  
17 double hearsay statement.

18 THE COURT: Overruled.

19 Q: And did this individual also report whether  
20 there was anyone else in the apartment?

21 A: Yes.

22 THE COURT: I'm sorry. Would you repeat  
23 that, Ms. Verillo?

24 Q: Did this individual report whether there was  
25 anyone else in this apartment?

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DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 A: Yes.

2 Q: And what did she say?

3 A: She stated that there was another female, 17  
4 years of age, also currently tied up in the apartment by  
5 the name of Gloria. And there was a 4-year-old child by  
6 the name of F. . And there was Broadus, Delano, Ms.  
7 Bridgeforth, Eric Kirkland, Sarah Housends [phonetic].  
8 And if I can utilize my memo book to get the fifth name?

9 THE COURT: You have something that will  
10 refresh your recollection?

11 A: Yes.

12 THE COURT: And what is that?

13 A: It's my memo book.

14 THE COURT: Very well.

15 A: And David Fairfax.

16 Q: Now did there come a time when you--prior to  
17 ever having access to the apartment, did there come a time  
18 when you learned who lived in the apartment?

19 A: Yes.

20 Q: And how is it that you came to know who lived in  
21 the apartment?

22 A: Through the Housing Wheel.

23 Q: And what is the Housing Wheel.

24 A: The Housing Wheel is located at 1 Police Plaza.  
25 It's a--for this particular instance they retain a record



DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 of who lives in the apartments in housing developments.

2 Q: And is that something that you usually use in  
3 your regular course of business as a police officer with  
4 PSA6?

5 A: Yes.

6 Q: And so who is it that you learned lived in the  
7 apartment?

8 MS. WEIDMANN: Objection.

9 THE COURT: What's the objection?

10 MS. WEIDMANN: It's hearsay.

11 THE COURT: Overruled.

12 Q: And who did you - - was living in that  
13 apartment?

14 A: Ms. Bridgeforth.

15 Q: And while you were at the apartment did there  
16 come a time when you attempted to gain entry into that  
17 apartment?

18 A: Yes.

19 Q: And how was it that you yourself or also your  
20 colleagues tried to gain access into that apartment?

21 A: We were using the knocker on the door as well as  
22 saying that it's the police we need to open--we need the  
23 door open so that we can do a wellness check. When that  
24 failed then we would use out batons to knock louder. And  
25 eventually we called the assistance of the emergency

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DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 service unit.

2 Q: Okay. And did there come a time when you  
3 eventually were able to gain access to the apartment?

4 A: Yes.

5 Q: To your knowledge how long did it take for NYPD  
6 to gain access to the apartment?

7 A: Lieutenant Gunther was present at the location  
8 knocking before I was. And it probably about an hour,  
9 hour and a half total time.

10 MS. WEIDMANN: Objection.

11 THE COURT: Were you present at that time?

12 A: Yes, at the latter part. Because I also was  
13 knocking on the door attempting to have the door open.

14 MS. WEIDMANN: I think the testimony  
15 establishes that the witness doesn't have personal  
16 knowledge of the length of time. He was there for a  
17 portion of time.

18 THE COURT: Officer, are you saying an hour  
19 and a half from when until when? The last thing  
20 actually being when the door opened but what was the  
21 first thing?

22 A: The call originally came over much sooner than I  
23 had responded because it was originally picked up by the  
24 26th Precinct sector. And they originally went over  
25 there. We also had a unit in the area. My supervisor

## DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 Lieutenant Gunther he was at the scene for most of the  
2 time as well.

3 MS. VERILLO: Your Honor, I would state  
4 that he is - - the original portion of him not being  
5 present when they started to gain access, he learned  
6 of that knowledge through his business duty. His  
7 officers reported that to him. And I would state  
8 that that would be admissible.

9 MS. WEIDMANN: What hearsay exception  
10 specifically is being applied? I don't hear that--  
11 there's not a general exception that there was a busy  
12 duty to report between colleagues. I think that Ms.  
13 Verillo is referring specifically to the rule with  
14 respect to business records but that doesn't apply  
15 here.

16 THE COURT: Sustained as to the hour and a  
17 half.

18 MS. WEIDMANN: Your Honor, I would also  
19 renew my objection with respect to the statements of  
20 the alleged caller based on Officer Sanchez's  
21 testimony just now that the call had previously come  
22 in to another unit. I no longer think that it is  
23 clear that there was only a 10 to 15-minute time  
24 period between when the incident reported and when  
25 the alleged caller made these statements.

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MS. VERILLO: Your Honor, I would note that case law establishes that time is not necessarily the only consideration with regard to hearsay. I would argue that Officer Sanchez was on the scene in the short amount of time. The fact that people were there does not necessarily delay the time in which he heard these statements being made. But I think more importantly his testimony about the declarant's demeanor and how she was acting when those statements were made and to corroborate that where the injuries that were also observed.

THE COURT: I'm maintaining prior ruling which is at this moment denied subject to renewal after the facts are further explored. I mean I think there are numerous factors, the time, the condition of the declarant. So as the facts are further developed we may renew your objection.

Q: Officer Sanchez, are you aware--withdrawn. So turning your attention to what we were previously discussing you had stated that at some point NYPD was able to gain access into the apartment. Is that correct?

A: Yes.

Q: Okay. And when you were able to enter the apartment what is that you observed?

A: First we went in to the kitchen then the living

DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 room and the bedroom and the bathroom in the back.

2 Q: And first with regard to the kitchen was there  
3 anything--can you describe what you saw?

4 A: The--inside the cabinets and the refrigerator it  
5 was just empty, very few food items.

6 Q: Did you not see any--

7 MS. WEIDMANN: [Interposing] Objection as to  
8 relevance.

9 THE COURT: Overruled.

10 Q: Did you have an opportunity to look in cabinets  
11 and also refrigerator in the kitchen?

12 A: Yes.

13 Q: And you stated there was also a bedroom that you  
14 were able to observe?

15 A: Yes.

16 Q: And what is it that you saw when you went into  
17 the bedroom?

18 A: Some high heels on the floor, two mattresses in  
19 the room and a closet full of clothes. And windows with  
20 key locks on them as well as a smaller window on the side  
21 of the room that had, like, welded bars on the window.

22 Q: And were there any other personal items that you  
23 observed when you went in the bedroom?

24 A: Yes, there was Ms. Bridgeforth's medication as  
25 well as some handwritten notes.

DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 Q: And can you--did you have an opportunity to see  
2 those handwritten notes?

3 A: Yes.

4 Q: And can you describe what you saw?

5 MS. WEIDMANN: Objection.

6 THE COURT: Are you asking what the note  
7 said or--be more specific.

8 MS. VERILLO: Yes, Your Honor.

9 THE COURT: Sustained.

10 Q: Is there anything else in the apartment that you  
11 were able to observe?

12 A: Yes. The key locks on the window as well as  
13 door sensors on the main door and the bedroom door.

14 Q: And how were you aware that they were motion  
15 sensors?

16 A: There was a monitor and a hard drive in the  
17 living room. And whenever the door was opened or closed,  
18 whether in the--the main door or the bedroom door it would  
19 indicate that that particular door was open.

20 Q: And specifically with regard to your  
21 observations of the locks and the bars on the window, in  
22 your professional knowledge is that something that you  
23 typically see in NYCHA apartment buildings?

24 MS. WEIDMANN: Objection.

25 THE COURT: Can you just repeat was it--

DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 would you repeat the end of the question? I didn't  
2 hear it.

3 MS. VERILLO: I asked specifically with  
4 regard to what he observed on the window locks and  
5 also the bars is that something that you typically  
6 see through his professional knowledge working for  
7 the NYPD that serves housing developments. That was  
8 a long way to say it.

9 THE COURT: Maybe you could ask it a  
10 different way or restate it.

11 MS. VERILLO: Okay.

12 Q: Through your professional knowledge is there--  
13 withdrawn. Is it typical for NYCHA apartments to have the  
14 key locks and the welded bars on the window?

15 MS. WEIDMANN: Objection.

16 THE COURT: Sustained.

17 MS. VERILLO: Your Honor, I would state  
18 that through the initial testimony we've established  
19 that Officer Sanchez has been employed with the NYPD,  
20 specifically with PSA6 for seven years. He serves  
21 NYCHA housing developments, in particular the  
22 development where this incident occurred. And it is  
23 relevant to the allegations that are in the petition.

24 THE COURT: Sustained.

25 Q: And while you were in the apartment did you

~~EXAMINATION OF R. SANCHEZ BY E. VERILLO~~  
DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 observe any items that would belong to a child?

2 A: Just a stroller in the bedroom.

3 Q: And did there come a time you were aware that  
4 there was a child that was in the apartment?

5 A: Yes.

6 Q: And do you know what happened to that child?

7 A: She was transported by Officer Roark with the  
8 ambulance to St. Luke's Hospital.

9 Q: Now did there come a time when the respondent  
10 father returned to the apartment that you were at?

11 A: Yes.

12 Q: And can you identify in this courtroom the  
13 respondent father Mr. Delano Broadus?

14 A: Yes.

15 Q: And can you indicate for the Court who that  
16 person is?

17 A: He's sitting to my right-hand side wearing a  
18 gray suit, a white shirt and a gray and blue tie.

19 MS. VERILLO: And I would just ask that the  
20 record reflect that the Officer has identified Mr.  
21 Broadus.

22 THE COURT: For the record the Officer has  
23 identifying the respondent father.

24 Q: And at approximately what time did Mr. Broadus  
25 come to the apartment?



DIRECT EXAMINATION OF R. SANCHEZ BY E. VERILLO

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1 A: Approximately 7:00 in the morning.

2 Q: And do you recall if anyone was with him at the  
3 time?

4 A: Yes, Ms. Bridgeforth.

5 Q: And do you see Ms. Bridgeforth as well in the  
6 courtroom?

7 A: Yes.

8 Q: And can you indicate who Ms. Bridgeforth is?

9 A: She's sitting to my right-hand side wearing a  
10 gray top, glasses and reddish hair.

11 MS. VERILLO: Your Honor, I ask that the  
12 record reflect that--

13 THE COURT: For the record the Officer is  
14 identifying the respondent mother.

15 Q: When the respondents came back to the apartment  
16 did Mr. Broadus ask about his daughter the subject child  
17 F ?

18 A: No.

19 MS. VERILLO: Your Honor, I have no further  
20 questions.

21 CROSS EXAMINATION

22 BY MS. JESSICA WEIDMANN

23 Q: Officer Sanchez, you've testified that the  
24 alleged caller told you that inside the apartment was  
25 another young woman who was tied up. When you entered the  
26

CROSS EXAMINATION OF R. SANCHEZ BY J. WEIDMANN

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1 apartment did you encounter anyone tied or restrained?

2 A: No.

3 Q: And when you entered the apartment where was  
4 Faith?

5 A: I did not see F: because I was in the living  
6 room.

7 Q: At no time did you see F: ?

8 A: No.

9 Q: And you also never observed chains on the walls  
10 of the apartment, is that correct?

11 A: Correct.

12 Q: Did you take photos of the apartment?

13 A: Yes.

14 Q: When you entered the apartment there were also  
15 other adults present, is that correct?

16 A: Yes.

17 Q: And to your knowledge the decision to take F  
18 to St. Luke's was considered a precautionary measure  
19 correct?

20 MS. VERILLO: Objection.

21 THE COURT: Did you take F: to St.  
22 Luke's?

23 A: I did not. Officer Roark did.

24 THE COURT: Sustained.

25 Q: Was it your decision for F to be transported

CROSS EXAMINATION OF R. SANCHEZ BY J. WEIDMANN

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1 to St. Luke's?

2 A: No.

3 MS. WEIDMANN: Just a moment, Your Honor.

4 THE COURT: Sure.

5 Q: Approximately what time of day was it when F  
6 was transported out of the apartment?

7 A: That I couldn't tell you. Officer Roark took  
8 her.

9 Q: For what period of time were you present in the  
10 apartment?

11 THE COURT: I'm sorry just - -.

12 Q: For what period of time were you present in the  
13 apartment?

14 A: I was in the apartment from approximately--the  
15 whole incident took place from about 3:00 in the morning  
16 to 8:00 in the morning. But there were also other  
17 incidents that happened where I left the apartment to  
18 apprehend someone.

19 Q: So approximately 3:00 a.m. to 8:00 a.m. at the  
20 apartment, is that correct?

21 A: That I was--

22 Q: [Interposing] That you were present at the  
23 apartment.

24 A: Yes.

25 Q: Officer Sanchez, did you speak with the District

CROSS EXAMINATION OF R. SANCHEZ BY J. WEIDMANN

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1 Attorney's Office following this incident?

2 A: Yes.

3 Q: And to your knowledge were charges pursued  
4 against Mr. Broadus?

5 MS. VERILLO: Objection.

6 THE COURT: Sustained.

7 Q: Were you ever called to be involved further in a  
8 criminal matter regarding Mr. Broadus?

9 A: Repeat please.

10 Q: Were you ever called upon to be further involved  
11 in a criminal matter regarding Mr. Broadus?

12 MS. DELANE: Objection.

13 THE COURT: Sustained.

14 MS. WEIDMANN: Let me just have a moment.

15 THE COURT: Sure.

16 [END MAN-PART6\_20150513-1441\_Part1]

17 [START MAN-PART6\_20150513-1520\_Part2]

18 THE COURT: Back on the record.

19 MS. WEIDMANN: I have no further questions  
20 for this witness. I would ask to renew my objection  
21 regarding the statements allegedly made by the  
22 alleged caller, Nicola. The officer testified that  
23 when he entered the apartment he did not in fact see  
24 someone chained. The assumption of the exception to  
25 the hearsay rule for excited utterances is that a

1 person would be more likely to be presenting a  
2 truthful account under those circumstances but the  
3 evidence demonstrates that the statements were not in  
4 fact credible. And based upon that, I would argue  
5 that they should not be admissible and are hearsay.

6 THE COURT: Yes?

7 MS. VERILLO: Your Honor, I mean I would  
8 just respond and say that the key admissibility  
9 requirement for excited utterance exception is that  
10 the statement must be made while the declarant was  
11 under the influence of a startling event. I think  
12 that the description that the officer gave is  
13 substantiates that the declarant was as she presented  
14 the injury, she was hard to come down, she was  
15 screaming, she was crying. She was very upset.  
16 Additionally, Your Honor, there is going to be  
17 further testimony that is elicited with regard to the  
18 subject child statements that will further  
19 corroborate the statements that were made by the  
20 declarant.

21 THE COURT: Anything that any--part one  
22 thought I'm having is people should just submit case  
23 law on the--I mean, it's a complicated issue what is  
24 and what isn't an excited utterance. The law is not  
25 that clear and so again my thought is to ask that the

1 attorneys submit case law prior to the next adjourn  
2 date and I'll rule on it. Again so many of the  
3 factual scenarios are so specific to those facts and  
4 I think it would be more helpful if people just  
5 provided me whatever case law they think is relevant  
6 and we could maybe set the same date as for the  
7 submission of the records. I think 5/22. And again  
8 it doesn't have to be a formal memorandum. Just  
9 whatever could be just, you know, a short--you could  
10 hand me all your cases or short written okay? So I  
11 would--yes?

12 MS. WEIDMANN: Your Honor, I do just have  
13 one or two additional questions.

14 THE COURT: Okay sure.

15 MS. WEIDMANN: - - to know.

16 THE COURT: Yes, go ahead.

17 Q: Officer Sanchez, when you first arrived to the  
18 case address and spoke with the woman you encountered,  
19 that you identified as Nicola, did you stand in close  
20 proximity to her?

21 A: Yes.

22 Q: And did you smell alcohol on her?

23 A: Not that I could smell, I didn't notice any  
24 smell of alcohol.

25 MS. WEIDMANN: I have no further questions.

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CROSS EXAMINATION OF OFC. SANCHEZ BY M. FRIEDMAN:33

1 CROSS EXAMINATION

2 BY MS. MELISSA FRIEDMAN

3 Q: Officer Sanchez, you've been working in NYCHA  
4 housing for approximately seven years? Since 2007?

5 A: No, it's closer to nine. I have been working  
6 with PSA6, Police Service Area 6 since 2007.

7 Q: Isn't it true that key locked windows and welded  
8 windows are not typical in NYCHA housing?

9 MS. WEIDMANN: Objection.

10 THE COURT: Sustained.

11 Q: Have you ever seen key locked windows or welded  
12 windows in other NYCHA housing?

13 A: No.

14 MS. WEIDMANN: Objection.

15 THE COURT: Sustained.

16 MS. WEIDMANN: I'm asking that the  
17 Officer's response be stricken from the record.

18 THE COURT: Granted.

19 Q: Officer Sanchez, are you familiar with the rules  
20 and regulations of NYCHA housing?

21 A: Yes.

22 Q: Isn't it true that key locks on windows or  
23 welded bars would be fire hazards?

24 MS. WEIDMANN: Objection.

25 THE COURT: I don't know how I can say that

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1 that's relevant. If somebody has an argument to why  
2 it's relevant, either what is common place in NYCHA  
3 housing or rules and regulations I could reconsider  
4 it. But--

5 MS. FRIEDMAN: We argue that it further  
6 shows that the complainant was being held captive at  
7 the time, the initial Ms. Simms who was spoken to.  
8 And also that it's a fire hazard for a 4-year-old  
9 child living in the home.

10 MS. WEIDMANN: Your Honor, that is so  
11 entirely speculative. I mean it requires multiple  
12 jumps. I don't think it establishes a relevant  
13 connection between --.

14 MS. VERILLO: Your Honor, but I don't think  
15 that that necessarily makes the testimony  
16 inadmissible. I think that the Court could then  
17 weight the evidence. It doesn't make his answer  
18 inadmissible.

19 THE COURT: I will sustain the objection.  
20 We just changing--do you want to put your appearance  
21 on the record or?

22 MS. ASHLEY GEORGER: Yes please.

23 THE COURT: Okay.

24 MS. GEORGER: Ashley Georger [phonetic],  
25 Neighborhood Defender Services.



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1 THE COURT: Okay.

2 MS. GEORGER: I'm stepping in and taking one  
3 for a few moments here.

4 THE COURT: Okay thank you.

5 MS. WEIDMANN: No further questions, Your  
6 Honor.

7 THE COURT: Ms. Verillo?

8 MS. VERILLO: Your Honor, I don't have any  
9 further questions of this witness.

10 THE COURT: Okay. Officer, thank you very  
11 much for your time. Take care.

12 OFC. SANCHEZ: Thank you, Your Honor. You  
13 too.

14 THE COURT: Have a good day. Yes, Ms.  
15 Verillo?

16 MS. VERILLO: Your Honor, at this time I  
17 would call Mr. Joshua Davis to the stand.

18 THE COURT: Very well.

19 THE CLERK: You're reminded you're still  
20 under oath. Please restate your name for the record.

21 MR. DAVIS: Joshua Davis.

22 THE COURT: Good afternoon, Mr. Davis.

23 MR. DAVIS: Good afternoon.

24 THE COURT: Ms. Verillo, you may inquire.

25 MS. VERILLO: Thank you.

PROCEEDINGS

36

1 J O S H U A D A V I S, having been first  
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. ELIZABETH VERILLO

5 Q: Mr. Davis, where are you employed?

6 A: I'm employed by the New York City Administration  
7 for Children Services.

8 Q: And in what capacity are you employed there?

9 A: I'm a child protective specialist.

10 Q: And are you familiar with the Bridgeforth  
11 Broadus family?

12 A: Yes.

13 Q: And how is it that this family came to your  
14 attention?

15 A: On October the 9th, 2014, I received an oral  
16 report of transmittal from the New York State Central  
17 Registrar in regards to incidents involving Ms.  
18 Bridgeforth and Mr. Broadus.

19 MS. VERILLO: Your Honor, at this time, I'd  
20 ask that these documents be marked with Petitioner's  
21 One and Petitioner's Two. There are two ORTs. Would  
22 you like me to hand those at the same time?

23 THE COURT: Okay.

24 MS. VERILLO: Okay.

25 THE COURT: The Court will mark them as

DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 37

1           Petitioner's One and Two for identification and we'll  
2           do it chronologically. If they're the same--

3                   MS. VERILLO: [Interposing] Yeah. They're  
4           the same date but there is two different times.

5                   THE COURT: Okay. So I'm going to hand them  
6           to the officer and whichever came first in time will  
7           be one and the other will be two.

8                   MS. VERILLO: Okay.

9                   Q: Mr. Broadus, can you--I apologize, Mr. Davis.  
10          Can you just identify what time both reports came in?

11                  A: The first report was called in by Officer  
12          Sanchez at 4:50 a.m. The second report was called in by  
13          an EMS worker P. L. [phonetic] at 6:50 a.m.

14                  Q: And with regard to the first one, you already  
15          stated this was called in by Officer Sanchez and can you  
16          just state where he is employed?

17                  A: Oh Officer, it says Officer Sanchez is employed  
18          by the New York City Police Department Public Service area  
19          six.

20                  Q: And who is this report with regard to?

21                  A: The report is regard--is in regards to Ms.  
22          Bridgeforth and Mr. Broadus.

23                  MS. VERILLO: Your Honor, I would ask at  
24          this time that Petitioner's One be admitted into  
25          evidence.

~~Confidential Material~~  
DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 38

1 MS. WEIDMANN: Your Honor, I am objecting to  
2 the narrative and miscellaneous information portions  
3 of the ORT on hearsay basis.

4 THE COURT: Would you just hand me the--  
5 thank you. On both of them or--both?

6 MS. WEIDMANN: Well I think only one has  
7 been moved into evidence but I will have the same  
8 objection to Petitioner's Two.

9 THE COURT: Okay.

10 MS. VERILLO: Your Honor, the caseworker did  
11 already identify that the second report was called in  
12 by a mandated reporter so I would ask at the time  
13 that be admitted into evidence as Petitioner's One.

14 THE COURT: Okay.

15 MS. WEIDMANN: Your Honor, under the case  
16 law, - - it is not sufficient just for the reporter  
17 to be a mandated reporter. There has to be a  
18 [Background Noise] of a business duty to report and  
19 that is not indicated by the record.

20 THE COURT: So let's just do them one at a  
21 time. I'm sorry there is one at 4:50. So why don't  
22 we talk about the one at 4:50 first. And that will  
23 be one for identification. And the other will be two  
24 for identification. And so the narrative portion and  
25 Ms. Verillo, you're saying that since it came from a

DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 39

1 police officer that it's satisfies the--

2 MS. VERILLO: [Interposing] Yes, Your Honor,  
3 under 1046 that these documents are admissible into  
4 evidence as they have come from mandated reporters.  
5 And that the Court can weigh the--can read that the  
6 narratives that are in these documents and weigh the  
7 evidence in its final determination but that  
8 ultimately these documents are admissible into  
9 evidence.

10 MS. WEIDMANN: Your Honor, I think it's  
11 clear what the statements themselves are information  
12 which may or may not have been obtained through  
13 investigation by all--with other sources. And there  
14 is nothing in the statements that indicate the  
15 identity of those sources or that they had a business  
16 duty to report. Or fit into any other hearsay  
17 exception.

18 THE COURT: Well okay so that's again I'm  
19 just looking at the one that's been marked as  
20 Petitioner's One for identification. And the first  
21 sentence, the first sentence seems to contain legal  
22 conclusions and a factual assertion that--because my  
23 thought would be to strike the first sentence and I  
24 guess I want to hear everybody's response but I think  
25 the second sentence about the woman being handcuffed.

DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 40

1 I believe the officer certainly could have, I mean, I  
2 believe the officer made that observation.

3 MS. WEIDMANN: Your Honor, the officer  
4 actually specifically testified that he did not make  
5 that observation, that there was not a woman  
6 handcuffed when he entered the apartment. And so I  
7 think that actually--

8 THE COURT: [Interposing] You're right.

9 MS. WEIDMANN: --is clearly not based upon  
10 personal knowledge.

11 THE COURT: You're right. You're right.

12 MS. MITTLER: Your Honor, however the  
13 officer is a mandated reporter. He had to call in--

14 THE COURT: [Interposing] Right.

15 MS. MITTLER: --this report.

16 THE COURT: No, I agree. I agree. He did--  
17 so I think--

18 MS. WEIDMANN: [Interposing] Your Honor, I  
19 apologize--

20 THE COURT: No wait, let me just--

21 MS. WEIDMANN: Oh I'm sorry.

22 THE COURT: --it's like a foster parent or  
23 any other, I think. But it doesn't satisfy if--so no  
24 foundation has to be laid but I think - - still  
25 applies. I think 1046 allows the document to come

DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 41

1 in. But I don't think that every wording that comes  
2 in. And I think that everything in it has to somehow  
3 satisfy some hearsay objection. I agree that the  
4 police officer has a duty to report. But I think the  
5 police officer saying that the parents were running  
6 an illegal prostitute ring inside the home, what  
7 wasn't consistent with his testimony. It's not clear  
8 what the basis for that assertion is. And again, I  
9 think it still has to satisfy certain basic  
10 requirements under Leon R-R and the rest of those  
11 cases. So wait, let me just finish though and then  
12 everybody can tell me and say whatever they want.  
13 And again, I agree it says the adults had a woman  
14 handcuffed to a radiator that wasn't based on his  
15 observations. So it's not clear what it's based on.  
16 And it would have to be based on for example, an  
17 assertion by a fellow police officer. But it's not  
18 clear that that is and additionally, the portion of  
19 the sentence that says there is sexual content  
20 happening in the presence of a child, again is not  
21 consistent with his testimony and so it--like all of  
22 it has to satisfy each statement has to be part of  
23 the authorized chain. So I don't know if for example  
24 another officer said sexual content was happening.  
25 Or if it was some other source of the information. I

DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 42  
~~Confidential Material~~

1 think that is out. Then it is unknown if the child  
2 had been directly involved in the sexual content. I  
3 mean that could come in whatever it means. And then  
4 under miscellaneous information, the current location  
5 of the parents is unknown. That could come in. At  
6 that point the officer says the police are searching  
7 for the adults, that could come in. There were two  
8 homeless adults in the home when the police arrived.  
9 That could come in. They are not PLRs. There are no  
10 safety concerns for--I don't know what L-C-P-S means.  
11 Is that--

12 MS. VERILLO: [Interposing] Your Honor? Oh.

13 THE COURT: And then there is an open case.  
14 Again and I don't know what that means. So that  
15 would be my thought. I don't think I'm explaining  
16 this well but everybody knows what I mean. So a  
17 police officer can of course describe anything that  
18 he observed. The police officer could explain what  
19 he was told by another mandated source. Or if  
20 another mandated source told another mandated source  
21 who told the police officer, that could come in. But  
22 where it's not at all clear what the basis of  
23 knowledge is, I believe I'm required to exclude that  
24 despite the fact that the report itself comes in and  
25 under 1046. That's my understanding. I'm totally



DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 43

1 open to hearing any argument to the contrary.

2 MS. VERILLO: Your Honor, I believe that the  
3 basis for the prostitution statement and the sexual  
4 content would have to do with the statement made to  
5 him outside of the home, which Officer Sanchez he  
6 heard directly where the woman Ms. Simms stated that  
7 if she was not having enough hits on Craigslist, she  
8 would then be sent elsewhere. Those hits on  
9 Craigslist obviously reference selling the photos of  
10 her for advertising them. And then--and sending her  
11 to Huts Point after that.

12 MS. WEIDMANN: Your Honor, first I don't  
13 think that that's clear. That requires Johnson  
14 conclusions but as to what those statements may or  
15 may not have meant. But again, those were not  
16 statements by another individual with a business duty  
17 to report and that that chain that is required by the  
18 case law. I'd also argue that the statement, there  
19 were two homeless adults in the home. The fact that  
20 adults were observed in the home, I see that, Your  
21 Honor, might permit that. However, there is status  
22 as homeless adults. Again I don't know how that  
23 information would be gained other than from a hearsay  
24 source.

25 THE COURT: I think that actually so that

## DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 44

1 could be if there are two homeless adults and the  
2 officer says who are you. And they say I'm a  
3 homeless adult. Then it would be hearsay. So I  
4 really, I mean, I think the officer's testimony about  
5 what was said to him was what was said to him. But  
6 anyway, so that's my conclusion. So I'm just going  
7 to sentence number one, I would say is out. Sentence  
8 number two is out. Sentence number three is in.  
9 It's the location of the parents being unknown is in.  
10 And the police searching, that can come in. I agree  
11 with this, with the--with defense counsel's assertion  
12 about the homeless adults and would say that that's  
13 out.

14 MS. VERILLO: Your Honor, I mean I cannot--  
15 the fact that two adults were seen in the home, I  
16 think that's certainly that observation can come in.  
17 I understand--

18 THE COURT: [Interposing] I mean I--

19 MS. WEIDMANN: [Interposing] Your Honor--

20 MS. VERILLO: --I mean I am arguing that the  
21 whole narrative can come in. I'm following the  
22 Court's decision. I think that the observation of  
23 two adults being in the home is something that should  
24 still remain in the report.

25 THE COURT: So you mean so that there were

DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 45

1 two adults, that's fine. There were two adults in  
2 the home. I mean that's an observation the officer  
3 could have made without--

4 MS. WEIDMANN: [Interposing] It's the  
5 characterization of the adults--

6 THE COURT: [Interposing] Yeah.

7 MS. WEIDMANN: --that I'm objecting to.

8 THE COURT: I understand. And I think I  
9 would remove, so I would remove the word homeless.  
10 They are not PLRs although it's a legal conclusion.  
11 He's a police officer and then it's worth what it's  
12 worth. So I would--I guess I would allow it in.

13 MS. WEIDMANN: I mean again I don't know how  
14 the officer even knows their identity, let alone  
15 their relationship, their legal relationship to the  
16 child. Other than through a hearsay source.

17 THE COURT: But I think he could reach that  
18 conclusion. I mean in some sense everything that  
19 everybody says is in some way traced back to hearsay.  
20 But I think the fact that they're not PLRs, I think  
21 he could reach that conclusion.

22 MS. WEIDMANN: Whether a person is a person  
23 legally responsible for a child is an in-depth  
24 inquiry that a court goes through, what, you know,  
25 are they living with the child--

~~Confidential~~  
DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 46

1 THE COURT: [Interposing] Right, I mean I  
2 wouldn't--

3 MS. WEIDMANN: --are they providing  
4 financial--

5 THE COURT: [Interposing] I agree.

6 MS. WEIDMANN: --for all of those things.

7 THE COURT: I agree.

8 MS. WEIDMANN: And that is all information  
9 that would not be obtained other than through the  
10 individual.

11 THE COURT: Right, I mean, I agree in a  
12 sense but I think, I don't, I'm not taking it for the  
13 therefore I am concluding they're not PLRs. But I  
14 think the sentence still comes in. And there are no  
15 safety concerns, I don't know what it means there are  
16 no safety concerns for L-C-P-C. I just--I'll let it  
17 in or not but I don't know what it means. And then,  
18 and I don't know what the final sentence means but  
19 I'm also can let that in. So I think that about the  
20 first one. And the child was transported to St.  
21 Luke's. And the second one I think we'll get to  
22 faster already. No, maybe not. 911 call was  
23 received. Okay. I would allow that in. And then  
24 the police responded and again whatever this sentence  
25 means, they resolved an unknown matter. Okay. F.

DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 47  
~~Confidential Material~~

1 was in the apartment with these three people. I  
2 guess that comes in. The next sentence about it  
3 being unclear about the relationship, I mean again I  
4 don't think this goes anywhere but I would allow this  
5 in unless there is some particular objection to a  
6 particular part of it.

7 MS. WEIDMANN: Your Honor, just the--

8 THE COURT: [Interposing] Yeah.

9 MS. WEIDMANN: --I believe there is also case  
10 law with respect to when statements in an ORT are so  
11 vague.

12 THE COURT: Mm-hm.

13 MS. WEIDMANN: And I do think that this  
14 falls under that category.

15 THE COURT: Which one? Show me where you  
16 mean.

17 MS. WEIDMANN: Well--

18 MS. MITTLER: Your Honor, however we have to  
19 object because we don't have that case law. Unless I  
20 mean can provide it--

21 MS. WEIDMANN: [Interposing] I - - provide, I  
22 think one of the cases is Imani O. and the--

23 THE COURT: [Interposing] No I mean I think  
24 that's true of all business records that if it's not  
25 clear, it has to be clear what it is. I mean I could

DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 48

1 find that in a minute. So if the description is too  
2 vague or can't be read or can't be deciphered, it  
3 doesn't come in. But tell me what you're thinking of  
4 in particular here.

5 MS. WEIDMANN: Just the it is believed that,  
6 I mean, that's me--maybe it doesn't matter because  
7 it's really meaningless.

8 THE COURT: Yeah I agree.

9 MS. WEIDMANN: But...

10 THE COURT: Yeah I agree. But I think it  
11 comes in. I mean whatever it, I don't know where it  
12 doesn't mean very much. So this comes in. Okay.  
13 Now further questions?

14 MS. VERILLO: Okay.

15 [Whereas Petitioner Exhibit 1 was entered  
16 into evidence]

17 [Whereas Petitioner Exhibit 2 was entered  
18 into evidence]

19 Q: Mr. Davis, when you received these reports, did  
20 you conduct a child protective investigation?

21 A: Yes.

22 Q: And what did you do first?

23 A: So the report was called in the early morning  
24 hours as we already stated around 4:50 a.m. So someone  
25 from emergency children services that wasn't -- went to

DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 49  
~~Excluded Material~~

1 the hospital with F. And met F at the hospital.  
2 After that, I got the--it was reported to me, I got it and  
3 I spoke to F that--on the evening of on the 9th of  
4 October.

5 Q: Okay. And how old was F when you met her?

6 A: She was two years old, maybe two years and three  
7 months.

8 Q: Was--do you recall her birthdate?

9 A: I do not.

10 Q: Is there anything that would refresh your  
11 recollection?

12 A: Yeah, on the Oral Report Transmittal.

13 THE COURT: Sure, go ahead. For the records  
14 she is handing the witness the documents previously  
15 marked as Petitioner's 1 and 2.

16 Q: Is your recollection refreshed?

17 A: Yes, the child was three years old.

18 Q: Okay. And when you met F did you have an  
19 opportunity to speak with her?

20 A: Yes, F was at the New York City  
21 Administration for Children Services Children's Center  
22 downtown. I had never met F before. So I had a  
23 female staff member assist with me because we--I didn't  
24 really know exactly you know her being comfortable with  
25 another person. So I spoke to her. I asked her a couple

DIRECT EXAMINATION OF J. DAVIS BY E. VERILLO 58

1 A: [Interposing] I don't remember the specific  
2 words he--I believe he called me a snake.

3 THE COURT: Okay. I guess sustained to the  
4 extent that it appears to be speculation about the  
5 father's state of mind.

6 MS. VERILLO: I have no further questions.

7 CROSS EXAMINATION

8 BY MS. WEIDMANN

9 Q: Mr. Davis, when this case was initially assigned  
10 to you, was it reviewed by yourself and to a team or  
11 supervisors?

12 A: Yes.

13 Q: What is I-R-T enhancement mean?

14 A: I-R-T is a, I don't remember the specific--it's  
15 an acronym. I don't remember the specific words. what  
16 happens if there is any sexual, allegation of sexual abuse  
17 or severe physical abuse, it's enhanced to work with  
18 together with the police department.

19 Q: And it's true in this case that the case did not  
20 qualify for I-R-T enhancement correct?

21 A: That is not my call to make. I don't know if it  
22 was enhanced or not. We have a specific team that works  
23 with that.

24 Q: Is there something that would refresh your  
25 recollection?



~~Confidential Material~~  
CROSS EXAMINATION OF J. DAVIS  
BY MS. WEIDMANN

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1 MS. VERILLO: Your Honor, I am going to  
2 object to this. I don't see how it's relevant. Also  
3 I don't think that Mr. Davis already testified that  
4 he is not aware of whether this determination was  
5 made or how it was made.

6 THE COURT: I'm also I'm a little--I'm not  
7 sure what subject we're on but is this relevant?

8 MS. WEIDMANN: Well there are allegations  
9 that a child was exposed to some type of sexual  
10 behavior. And this is a determination as a case  
11 planner, case--child protective specialist testified  
12 as to whether there was sufficient evidence of sexual  
13 abuse to proceed in a particular manner.

14 THE COURT: Will you just repeat the  
15 question?

16 MS. WEIDMANN: While the question, the  
17 initial question was it true that the case did not  
18 qualify for IRT enhancement.

19 THE COURT: Okay.

20 MS. WEIDMANN: The witnesses said he didn't  
21 know. I asked if something would refresh his  
22 recollection.

23 THE COURT: I don't know if he said he  
24 didn't remember. I think he said he didn't know. So  
25 do you want to just clarify that? I mean, also--

~~Confidential Matter~~  
**CROSS EXAMINATION OF J. DAVIS**  
**BY MS. WEIDMANN**

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1 Q: [Interposing] Were you at the time aware of  
2 whether the case qualified for I-R-T enhancement?

3 A: At what time? What do you mean?

4 Q: At the time that the case was assigned to you  
5 and you discussed it with your supervisor.

6 A: When it was assigned to me on the 9th of  
7 October, 2014, I was not aware of that it met the criteria  
8 for that.

9 Q: And at any time subsequent to that during the  
10 course of your investigation?

11 A: Did it meet the criteria?

12 Q: Yes.

13 A: No.

14 MS. VERILLO: Object--Your Honor, I'm going  
15 to object to this. I don't see how this is relevant.

16 THE COURT: It's sustained. I also don't  
17 know--are you going to call somebody to testify about  
18 what I-R-T enhancement means and--

19 MS. WEIDMANN: [Interposing] He testified as  
20 to what it meant.

21 THE COURT: And just what the criteria are  
22 and what the process of evaluation is. And--

23 MS. WEIDMANN: [Interposing] Well I would if  
24 this witness could establish that. I can move on if  
25 that is not--

**CROSS-EXAMINATION OF J. DAVIS  
BY MS. WEIDMANN**

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1 THE COURT: [Interposing] I mean I think you  
2 said you don't know.

3 A: I don't know what the exactly the criteria is.  
4 It's a two over years to work in conjunction with the  
5 police department. When it comes to allegations of sexual  
6 abuse or severe physical abuse.

7 THE COURT: Okay. And you don't know about  
8 how the decision was made in this case?

9 A: Well when it is enhancement I-R-T, we have a  
10 detective assigned. And then we have a joint  
11 investigation.

12 THE COURT: Okay. Okay.

13 A: Now that I'm thinking about it, there was never  
14 a detective assigned to this case so it never met the  
15 criteria.

16 THE COURT: Okay.

17 MS. WEIDMANN: Okay.

18 THE COURT: That answers it right?

19 MS. WEIDMANN: That's sufficient. I'll move  
20 onto the next.

21 THE COURT: Okay. Okay.

22 Q: You testified that you interviewed Faith on  
23 October 9th, 2014. Do you recall the approximate time of  
24 that interview?

25 A: Yeah 6:00 p.m.

~~Confidential Material~~  
CROSS EXAMINATION OF J. DAVIS  
BY MS. WEIDMANN

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1 Q: And that was the same day that F had been  
2 removed from her home in the early hours of that day?

3 A: Correct.

4 Q: And you had an opportunity at that time to  
5 observe F's physical appearance correct?

6 A: Yes.

7 Q: And you observed no physical sign of harm to  
8 F?

9 A: No.

10 Q: You never actually observed Faith with Mr.  
11 Robins correct?

12 THE COURT: I'm sorry, I just didn't hear  
13 it.

14 Q: You never actually--you never observed F  
15 with Mr. Robins correct?

16 A: Correct.

17 Q: And when you spoke with F, she stated that  
18 she was familiar with an individual by the name Sarah,  
19 correct?

20 A: Familiar? I don't know what you mean by that.

21 Q: She knew someone named Sarah?

22 A: Yes.

23 Q: She referred to someone named Sarah?

24 A: Yes.

25 Q: And she said that was someone who she knew had